

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF ENVIRONMENTAL SERVICES
WATER COUNCIL

RECEIVED

JUL 13 2004

Water Council Docket No. 04-14 WC

In Re: Appeal of Mark and Marianne Bonaiuto

MOTION TO INTERVENE

NOW COME Daniel and Margaret Osborn and through their attorneys Beaumont & Campbell Prof. Ass'n. move to Intervene in the above-referenced Appeal pursuant to the provisions of Env-WC 203.12, and in furtherance thereof, state as follows:

1. That this Appeal seeks to overturn a Shoreland Protection Waiver granted to Daniel and Margaret Osborn.
2. That Daniel Osborn, as Trustee of Big Island Nominee Trust, is the owner of the property at issue.
3. That any decision issued by the Water Council in this case will have a direct effect on the property rights of Daniel and Margaret Osborn.

WHEREFORE, the Movants respectfully request that the Water Council:

- A. Grant Daniel and Margaret Osborn Intervenor status;
- B. Order that the Movants be provided the opportunity to participate fully in all proceedings associated with said Appeal including, but not limited to, the right to receive all notices as a party in interest, the right to present motions and other pleadings, and the right to present argument; and

C. Grant the Movants such other further relief as this Council deems just.

Respectfully submitted,

Daniel and Margaret Osborn

COPY

Dated: July 13, 2004

By: _____

Bernard H. Campbell, Esquire
Beaumont & Campbell Prof. Ass'n.
One Stiles Road - Suite 107
Salem, New Hampshire 03079
Tel. 603-898-2635

CERTIFICATE of SERVICE

I certify that a copy of the foregoing Motion was sent this 13th day of July 2004, first class mail postage prepaid to:

- Mark and Marianne Bonaiuto
7 Valcat Lane
Atkinson, New Hampshire 03811
- Daniel and Margaret Osborn
P.O. Box 808
Hampstead, New Hampshire 03841
- Jared Teutsch, DES Shoreland Protection
NH Department of Environmental Services
P.O. Box 95
Concord, New Hampshire 03302-0095
- Atkinson Conservation Commission
21 Academy Avenue
Atkinson, New Hampshire 03811

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Bernard H. Campbell, Esquire